



# **Revisions to the Federal Underground Storage Tank (UST) Regulations And How DNREC's Regulations May Change**

October 2016



# **When will the changes to the federal requirements apply to owners and operators in Delaware?**

DNREC has EPA state program approval

- none of the new requirements will apply until DNREC adopts the changes as final regulations.
- Until then, owners and operators in Delaware must continue to comply with current UST regulations.

DNREC has already adopted most of the new federal requirements.



# Operator Training Requirements

DNREC Has Had UST Operator Training Requirements  
in Place Since 2010

## ***New Federal Requirements:***

- Owners must designate and ensure 3 classes (A,B, & C) of operators are trained
- Recordkeeping is required for as long as the operator is designated at the facility
- Retraining is required for Class A and B operators at facilities determined to be out of compliance

## ***What will DNREC need to change:***

- DNREC will need to amend our definitions to be consistent with the federal regulations, including adding a new definition of a “training program.”



# Spill Bucket Testing

DNREC Has Had Spill Bucket Testing Requirements in Place Since 2008

## ***New Federal Requirement:***

- Test spill prevention equipment every 3 years.
  - Double-walled spill buckets with periodic interstitial monitoring between the spill bucket walls are not required to meet the testing requirement
  - Keep records for 3 years



## ***DNREC Doesn't See a Need to Make Changes***

- DNREC is currently more stringent in that we require annual tightness testing of spill buckets and records must be kept for the life of the system.

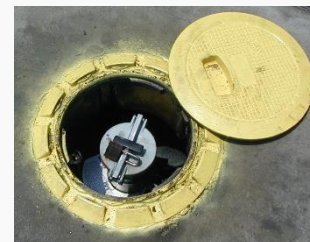


# 30 Day Walk Around Inspections

DNREC Has Had Routine Inspection Requirements in Place Since 2008

## ***New Federal Requirements:***

- Walk around inspection every 30 Days
  - Check spill prevention equipment
  - Check release detection equipment and records
- Annually
  - Check containment sumps
  - Check hand held release detection equipment



## ***What DNREC will need to change:***

- 28-31 Days will Change to every 30 Days
- DNREC is currently more stringent in inspecting containment sumps as part of 30 day walk around inspection.



# Release Detection Equipment Testing

DNREC Has Had Release Detection Equipment Testing Requirements in Place Since 2008

## ***New Federal Requirement***

- Annual release detection equipment testing to make sure release detection equipment is operating properly



***DNREC does not see a need to make any changes.***

DNREC already requires:

- Annual Automatic Tank Gauge Function Test
- Annual Sensor Testing when continuous interstitial monitoring is used for release detection for tank and piping release detection.





# Removing Deferral for Emergency Generator USTs

DNREC has had requirements release detection for emergency generator USTs since 2008.

## New Federal Requirements:

- Removes the deferral and requires release detection for tanks and piping associated with Emergency Generator USTs.

## ***What DNREC will need to change:***

- New and existing emergency generator USTs release detection requirements will need to be modified.





# ***Removing Deferrals for Field-Constructed USTs and Airport Hydrant Fuel Distribution Systems***

- ***New Federal Requirements:***
  - Requires Release Reporting, Spill Prevention, Overfill Prevention, Release Protection, Cathodic Protection, Operator Training.
  - Exceptions to meeting secondary containment requirement for some FCT & AHS piping
  - Provides unique options for meeting release detection requirements



***What DNREC will need to change:*** DNREC will add requirements for these types of USTs systems to mirror federal requirements.





# ***Compatibility***

- **Notification** - Owners and operators must notify the implementing agency at least 30 days before switching to a regulated substance containing greater than 10 percent ethanol, 20 percent biodiesel, or any other regulated substance identified by the implementing agency
- **Demonstration of compatibility** – Owners and operators must demonstrate compatibility of the UST system through a nationally recognized testing lab listing or manufacturer approval of UST equipment or components, or use an alternative option identified by the implementing agency that is no less protective than demonstrating compatibility of the UST system
- **Recordkeeping** - Owners and operators must maintain records for as long as the biofuel blend is stored to demonstrate compliance

***What DNREC will need to change:*** DNREC will modify language as needed to mirror federal requirements.



# Requirements for Overfill Protection

- ***New Federal Requirements:***

- Overfill protection equipment will be checked every 3 years.
- Inspect to make sure overfill operates as intended
- Ball Floats will not be allowed on retrofit or new installations.



## ***What DNREC will need to change:***

- DNREC will add a three year inspection requirement for owners/operators to demonstrate that overfill equipment functions properly.
- Prohibition on installing ball floats at new installation or when replacement is needed.

***What DNREC would like to change:*** Phase out the use of ball floats on all systems.



# Prohibiting Groundwater and Vapor Monitoring For Release Detection

DNREC has had requirements in place prohibiting new systems from using groundwater and vapor monitoring as release detection since 2008

## ***New Federal Requirements:***

- owner or operator must have a record of site assessment for as long as using groundwater or vapor monitoring for release detection

## ***What DNREC would like to change:***

DNREC will remain more stringent. We will continue to prohibit groundwater and vapor monitoring as a form of release detection for new tank systems, and would like to phase out its use as release detection for existing systems.





# Secondary Containment Requirements

DNREC Has Had Secondary Containment Requirements in Place Since 2008

## ***New Federal Requirements:***

- Requires new and replaced tanks and piping to be double walled.
- Requires interstitial monitoring (and sumps if they are used for interstitial monitoring)
- Requires under-dispenser containment for new dispenser systems



## ***What DNREC would like to change:***

- Phase out non liquid tight containment found at the tank top and under dispensers.







# Containment Sump Testing

DNREC Has Had Containment Sump Testing Requirements in Place Since 2008

## ***New Federal Requirement:***

- Test sumps used for piping interstitial monitoring to ensure they are liquid tight every 3 years.
  - Double-walled sumps with periodic interstitial monitoring between the containment sump walls are not required to meet the testing requirement
  - Keep records for 3 years



## ***What DNREC would like to change:***

- If used for interstitial monitoring require containment sumps to be tested annually.
- All other containment sumps should be tested to see if they are liquid tight every three years.





# Additional Changes to the Federal Program

## New Federal Requirement:

- EPA has changed the definition of Repair(s)
  - 1988 UST regulation linked a repair to a release to the environment
  - 2015 UST regulation removes this link so that repair work not associated with releases are also considered repairs.
  - Added that testing may be required after repairs to spill, overfill, and secondary containment equipment

## ***What DNREC will need to change:***

- Our definition of repair to mirror the federal definition.





# Additional Changes to the Federal Program

## *New Federal Requirement:*

- The Use of Statistical Inventory Reconciliation will be considered as an approved method of Release Detection.
- EPA will only allow quantitative version of SIR.

## *DNREC Doesn't See a Need to Make Changes*

- DNREC's current practice is to approve SIR only as an alternative technology.

| <b>Monthly Statistical Inventory Reconciliation Report</b>       |                  |  |                    |                     |      |
|--|------------------|--|--------------------|---------------------|------|
| Sammy's SIR Services<br>12739 N. South St.<br>Nowhere, USA       |                  |  |                    |                     |      |
| For the Period of: October 1-31, 1995                            |                  |  |                    | <b>October 1995</b> |      |
| Facility: Joe's Gas & Grill<br>123 E. West Street<br>Anytown, XX |                  | <div>Simple, concise description of system status.</div> |                    |                     |      |
| Tank ID  | Product          | System Status  | Measured Leak Rate | Threshold           | MDL  |
| 001  | Premium Unleaded | PASS   | 0.037              | 0.09                | 0.18 |
| 002 <sup>1</sup>   | Regular Unleaded | FAIL!  | 0.735              | 0.13                | 0.26 |
| 003 <sup>2</sup>   | Diesel           | INCONCLUSIVE!  | 0.120              | 0.17                | 0.34 |

(All rates are in gallons per hour)



## Additional Information

- OUST Website on Revised Regulations  
<http://www.epa.gov/oust/fedlaws/revregs.html>
- OUST Contact  
Elizabeth McDermott at [mcdermott.elizabeth@epa.gov](mailto:mcdermott.elizabeth@epa.gov) or  
(202) 564-0663



# Other Regulatory Changes that DNREC is Considering Proposing

- Adding a new section to address UST systems at marinas.
- Evaluate the use of underground storm water detention and infiltration tanks at new UST facilities.
- Evaluate sustainability factors when selecting a remedial technology.
- Clarify when deed restrictions and environmental covenants will be required as part of No Further Action decision.
- Cite specific editions of reference standards from PEI, NFPA, NACE and other organizations.